

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOANNE S. SEESE,	)	
	)	
Plaintiff,	)	
	)	Civil Action No. 12-235
v.	)	
	)	Chief District Judge Gary L. Lancaster
MICHAEL J. ASTRUE,	)	Chief Magistrate Judge Lisa Pupo Lenihan
Commissioner of Social Security,	)	
	)	ECF Nos. 7, 9
Defendant.	)	

**MEMORANDUM ORDER**


Plaintiff Joanne S. Seese's Complaint (ECF No. 1) was received by this court on February 24, 2012, and was referred to Chief United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Local Rules of Court 72.C and 72.D.

The Magistrate Judge's Report and Recommendation (ECF. No. 12), filed on November 2, 2012, recommended that Plaintiff's Motion for Summary Judgment (ECF. No. 7) be granted as to her request for remand, and denied as to her request for an immediate award of benefits, that Defendant's Motion for Summary Judgment (ECF. No. 9) be denied, and that the decision of the Commissioner of Social Security be vacated and the case remanded for further consideration, pursuant to sentence four of 42 U.S.C. § 405(g). Service was made on all counsel of record. The parties were informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.D.2 of the Local Rules of Court, that they had fourteen (14) days to file any objections. No objections to the Report and Recommendation have been filed.

After review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

**AND NOW**, this 13 day of December, 2012, **IT IS HEREBY ORDERED** that Plaintiff Joanne S. Seese's Motion for Summary Judgment (ECF. No. 7) is **GRANTED, IN PART**, and **DENIED, IN PART**. Plaintiff's Motion is **GRANTED** as to her request for remand, and is **DENIED** as to her request for reversal. Defendant Commissioner of Social Security's Motion for Summary Judgment (ECF. No. 9) is **DENIED**. The decision of the Commissioner of Social Security is vacated and the case **REMANDED** for rehearing, pursuant to sentence four of 42 U.S.C. § 405(g).

**IT IS FURTHER ORDERED** that the Report and Recommendation of Chief Magistrate Judge Lenihan (ECF No. 12), dated November 2, 2012, is adopted as the Opinion of the court.

  
HON. GARY L. LANCASTER  
Chief United States District Judge

cc: All Counsel of Record  
*Via Electronic Mail*